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09/754,160	01/04/2001	Andreas Schwager	50N3368/1177	3202

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2195

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/754,160

Applicant(s)

SCHWAGER, ANDREAS

Examiner

Lewis A. Bullock, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on July 6, 1998. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b). A copy of all European Patent Applications from which the current application claims priority to has not been filed. To date, no certified copies of any of the cited applications have been received. The examiner can acquire the provisional application, but Applicant is requested to provide a certified copy of the cited foreign applications for consideration of priority, e.g. Applications 98 112499.3, 98 112500.8 and 98 112501.6. all filed on July 6, 1998 and disclosed in the Oath. In addition, for quick reference and consideration, the examiner is requesting Applicant to submit a copy of the PCT/EP00/04537 application to be considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by LUDTKE (U.S. patent 6,501,441).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, LUDTKE teaches a method to perform a scheduled action (display data) of a plurality of devices (multiple display devices) that are connected via a network (bus network) (col. 7, lines 41-67; col. 8, lines 7-10; column 14, lines 51-63; column 19, lines 16-27), comprising: calculating an individual triggering time (presentation time / delay time / via trigger packet) for each device that is to perform a predetermined action (display) at a predetermined time, said network being implemented in a home environment (via home devices communicating with display devices) (column 8, lines 36-39), each of the plurality of devices (display devices) having a different device type (column 14, lines 51-63; column 19, lines 16-27) and a different device functionality (see col. 19, lines 28-52); and utilizing the individual triggering time (presentation time / time sent with trigger packet) for each device to perform the scheduled action (display data) (column 14, lines 51-63; column 19, lines 16-27; col. 19, lines 28-52).

As to claim 2, LUDTKE teaches the individual triggering time is calculated based on a synchronous start time of the scheduled action (start time) and an individual start-up time (latency time) that a respective device requires to perform the predetermined action (col. 11, line 10 – col. 12, line 4; col. 22, lines 10-34).

As to claim 3, LUDTKE teaches the individual start-up time that the respective device needs to perform the predetermined action is based on the worst-case start-up time that the respective device requires to perform the predetermined action (worst case latency value) (col. 11, lines 3-9; col. 22, lines 10-34).

As to claim 4, LUDTKE teaches the individual start-up time that the respective device requires to perform the predetermined action is based on a current state of the respective device (via execution of calculateWallOfVideoDelay instruction) (col. 11, lines 10-44).

As to claim 5, LUDTKE teaches a resource manager (master device) of the network respectively transmits the predetermined action (display data) and the predetermined time (start time) of the scheduled action to each device that is to perform the predetermined action at the predetermined time (col. 9, lines 13-23; col. 11, lines 3-9; col. 22, lines 10-34).

As to claim 6, LUDTKE teaches every device calculates its individual triggering time itself (via by determining its latency time) (col. 11, lines 10-31; col. 22, lines 10-34).

As to claim 7, LUDTKE teaches each display device waits until the delay value has passed and then displays the frame (col. 12, lines 19-22; col. 22, lines 10-34). Therefore, it is inherent by the teachings of LUDTKE that the device has an internal clock that triggers the device at the triggering time.

As to claim 8, LUDTKE teaches each device transmits the triggering time (latency time) to a clock device (master device) of the network (via the master device controlling the 1394 bus network which has a clock) (col. 11, lines 3-9; col. 12, lines 22-31; col. 8, lines 40-49; col. 1, line 44-58).

As to claim 9, LUDTKE teaches a resource manager (master device) of the network respectively transmits the predetermined action (display data) and the predetermined time (presentation time) of the scheduled action for each device that is to perform the predetermined action at the predetermined time to a clock device (clock of 1394 bus network) of the network, or to another control device (master device) in the network, and respectively, the predetermined action to the respective device and each device that is to perform the predetermined action at the predetermined time transmits its individual start-up time (latency time) needed to perform the predetermined action to

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the clock device or to another control device (col. 10, line 65 – col. 12, line 4; col. 13, line 60 – col. 14, line 11; col. 19, line 53 – col. 20, line 30; col. 22, lines 10-34).

As to claim 10, LUDTKE teaches the clock device or the another control device calculates the individual triggering time for each device (via issuing a display instruction with a start time and delay time based on the latency time) (col. 11, line 45 – col. 12, line 22; col. 22, lines 10-34).

As to claim 11, LUDTKE teaches the another control device transmits its calculated triggering times (start times / latency time) for each device to the clock device (via the master determining the triggering times and sending the times to the 1394 network wherein the receiving devices have the current time and start time) (col. 11, lines 10-31; col. 22, lines 10-34).

As to claim 12, LUDTKE teaches the another control device may also be the resource manager (master device) (col. 10, line 65 – col. 12, line 4; col. 13, line 60 – col. 14, line 11; col. 19, line 53 – col. 20, line 30; col. 22, lines 10-34).

As to claim 13, LUDTKE teaches the clock device triggers each device at the individual triggering time for each device (via the initiation of the display operation based on the current time stored in the bus network clock) (col. 10, line 65 – col. 12, line 4; col. 13, line 60 – col. 14, line 11; col. 19, line 53 – col. 20, line 30; col. 22, lines 10-53).

As to claim 14, LUDTKE teaches the network is a home network (via the video sources and devices being a set-top box, video cassette recorder, digital video disk, a television, and a computer) (col. 8, lines 35-49; col. 9, lines 31-40).

As to claim 15, LUDTKE teaches the network is a 1394 based network (col. 8, lines 7-28).

As to claim 16, LUDTKE teaches each device is a consumer electronic device (via the video sources and devices being a set-top box, video cassette recorder, digital video disk, a television, and a computer) (col. 8, lines 35-49; col. 9, lines 31-40).

As to claim 17, LUDTKE teaches a system for performing a scheduled action (display data) with network devices (display devices), comprising: means for managing scheduled information for a network action (display data) on the electronic network (via a master device) that is implemented with different types of consumer electronic devices (column 14, lines 51-63; column 19, lines 16-27) in a home environment (via home devices communicating with display devices) (column 8, lines 36-39); a first network device (display device) coupled to the electronic network for accessing the scheduling information (capabilities data structure / status data structure) and first device timing information (calculated latency time to process the task / start time for display device) to generate first device triggering information (presentation time / trigger packet); a second

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network device (another display device) coupled to the electronic network for accessing the scheduling information (capabilities data structure / status data structure) and second device timing information (calculated latency time to process the task / start time for display device) to generate second device triggering information (presentation time / trigger packet), said first network device having a first device functionality that is different from a second device functionality of the second network device (col. 19, lines 28-52); and a clock device (bus time) for utilizing the first device triggering information to activate the first network device, and for utilizing second device triggering information to active the second network device to thereby accurately perform the scheduled action of the electronic network (start the simultaneous display of data via the presentation time submitted based on the bus time network / sending trigger packets indicating the presentation time of the data) (col. 7, lines 41-67; col. 8, lines 7-10; col. 11, line 45 – col. 12, line 4; col. 13, lines 60-67; col. 21, line 41 – col. 22, line 9; col. 16, lines 41-53; column 14, lines 51-63; column 19, lines 16-27; col. 19, lines 28-52; col. 22 ,line 10-53).

As to claim 18, LUDTKE teaches the first device timing information (start time) is based on a first startup time of the first network device (latency time), and wherein the second device timing information (start time) is based on a second startup time (latency time) of the second network device (col. 11, line 45 – col. 12, line 4; col. 22, lines 10-53).

As to claim 19, LUDTKE teaches the means for managing scheduling information includes an invoking application (video source / video recorder / transmitting application) and a resource manager (master device) (col. 1, line 44 – col. 2, line 25; col. 8, lines 36-49; col. 19, line 53 – col. 20, line 30).

As to claim 20, LUDTKE teaches the electronic network functions in accordance with a home audio-video interoperability specification (col. 2, lines 63 – col. 3, line 9; col. 4, lines 52-59; col. 2, lines 51-62).

As to claim 21, LUDTKE teaches a system for managing a scheduled action (display data) in an electronic network (1394 bus network) comprising: an invoking application (transmitting application / application on control device) configured to generate action invocation information (DisplayIncomingStream Partition operation / commands) corresponding to the scheduled action (display data) (col. 1, line 44 – col. 2, line 25; col. 19, line 54 – col. 20, line 30); a resource manager (master device) configured to handle the action invocation information to thereby control one or more network devices (display devices) in said electronic network to perform the scheduled action (col. 19, line 54 – col. 20, line 30), said electronic network being implemented with different types of consumer electronic devices (column 14, lines 51-63; column 19, lines 16-27) in a home environment (via home devices communicating with display devices) (column 8, lines 36-39).

As to claim 22, LUDTKE teaches the resource manager (master device) passes the action invocation information to one or more device control modules (display device controls) that respectively correspond to, and control the one or more network devices (col. 19, line 54 – col. 20, line 30). It is inherent in the teachings of LUDTKE that since the commands sent to each device sets each device to an appropriate resolution before the master device configures the display devices that the display devices must have control software that is manipulated.

As to claim 23, LUDTKE teaches the one or more device control modules (display device controls) each build an internal agenda for reservation of the one or more network devices to perform the scheduled action (via by using the capabilities data structure and status data structure to set the device to an appropriate resolution) (col. 21, line 41 – col. 22, line 34; col. 19, line 54 – col. 20, line 30).

As to claim 24, LUDTKE teaches the device control module (display device control) having the ability to check whether simultaneously actions can be performed (via the number of simultaneous streams supported in the capabilities data structure) (col. 21, lines 35-61). It is inherent within the teachings of LUDTKE that in order for the allowance of multiple streams, there must exist multiple scheduled actions for displaying data.

As to claim 25, LUDTKE teaches a trigger device (display device / clock) notifies the resource manager (master device) to begin the scheduled action (via each display device being ordered to configure its display before sending of the video stream through a trigger event) (col. 22, lines 14-34; col. 20, lines 26-30; col. 5, lines 35-47).

As to claims 26 and 27, refer to claims 17 and 18 for rejection.

### ***Response to Arguments***

4. Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive. Applicant argues that Ludtke does not teach the network being implemented with different types of consumer electronic devices in a home environment, wherein each of the plurality of devices having a different device type and a different device functionality. The examiner disagrees. Column 9, lines 37-40 of Ludtke teaches that the display devices are appropriately configured display devices of any type which can receive video stream over an IEEE 1394-1995 serial buss network and display that video stream. At column 14, lines 51-63 as well as column 19, lines 16-27, Ludtke states that in an alternate embodiment, any display device capable of receiving a video stream of data can be utilized within the multiple display configuration. At column 19, lines 28-52, Ludtke states that a combination of display devices are included within the multiple display configuration wherein the master device determines the capabilities of each of the display devices and sends a configuration command to inform the display device of an image section it is responsible for and to initiate the

presentation of the video stream. Column 8, lines 36-39, teaches that a video source is any appropriately configured video generation or delivery device including but not limited to a settop box, a video cassette recorder, a digital video disk, a television, and a computer, hence a home network since the cited devices are inherently part of a home environment. Therefore, the cited reference teaches the network being implemented with different types of consumer electronic devices in a home environment, each of the plurality of devices having a different device type and a different device functionality as indicated above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

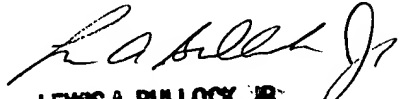
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 21, 2005

  
**LEWIS A. BULLOCK, JR.**  
**PRIMARY EXAMINER**